

CONFIDENTIAL.

Draft

95
T. S. S. S.
C. P. S.

Bangalore,

November, 1923.

My dear Mr. Barton,

*In continuation of my letter
No R. 33 dated the 31st ultimo,*

In the matter of the Cauvery Arbitration dispute with the Government of Madras, I have kept you informed from time to time, though informally, of the progress of matters towards a final and amicable settlement. I now wish to write and give you a brief resume of the latest discussions and understandings arrived at and the present developments towards the conclusion of an agreement between the two Governments, and shall be obliged by your communicating the same to the Government of India for their information.

You are aware that, after the receipt of your confidential D.O. No.C.2335/281 dated 20th January 1923 with certain proposals, put forward on behalf of the Madras Government, as a basis for settlement of the Cauvery dispute, a conference was held between the representatives of the Madras Government and Mysore Government in Bangalore on the 11th April 1923. At that conference, though the proposition to restrict the future irrigation in Mysore was tantamount to a waiver of the rights Mysore were entitled to under the Agreement of 1892, it was still mutually agreed that a restriction of future irrigation on both sides on the principles of fair-play and reciprocal justice might be the basis of settlement, and that the limits of such mutual

mutual restrictions of extension of irrigation might be determined with regard to the Madras-Mettur Project on the one hand, and feasible schemes of Mysore developments of irrigation on the other hand, at a conference of the technical officers of both sides. Accordingly, a conference of the technical officers of both Governments took place in Bangalore in September last, under the guidance of Mr. Gebbie as a mutual friend and adviser as previously arranged, with the consent of both Governments. The technical officers, after examining the working tables prepared for the occasion and, investigating the question in all its bearings, under the guidance of Mr. Gebbie, have come to and signed an agreement on the technical issues, relating to the determination of the scopes of future irrigation which each Government may do, say within the period of the next 50 years. The memo of points agreed to and signed by them is enclosed for your information. (Vide annexure No. 1.)

Thereupon, views were interchanged between the Madras Government and Mysore Government; and the Hon'ble Mr. C.P. Ramaswami Aiyar wrote that his Government would ratify the technical agreement arrived at between the technical officers in September last.

I have in turn assured Madras that, if they assented to the agreement arrived at between the technical officers, Mysore would not hesitate to come to a settlement at once. Accordingly, I prepared a draft agreement covering all the settled details and forwarded the same

to

90
3.

to Madras for their examination and approval. A copy of the draft agreement together with copy of my letters Nos. M.213 and 221 dated the 13th and 18th October 1923 to the Hon'ble Mr. C.P.Ramaswami Aiyar is enclosed for your perusal. (Vide annexure 2.)

The Hon'ble Member of Madras's reply to the above (Vide his confidential letter dated 24th October 1923 - copy enclosed - annexure 3) has raised certain objections with regard to a clause in the draft agreement regarding the rights of Madras over the Mekadatu which they offered to Mysore without payment to the Madras Government in their proposals made in January last.

He further urged that we need not attempt a consolidated agreement now, that the two Governments might only ratify the agreements of the technical officers, and that a consolidated agreement if one was deemed necessary might be left for future research and discussion. He also raised a further objection regarding a certain expression used in the draft agreement, viz., "Cauvery and its tributaries". In my reply (vide my D.O. No.M.243 dated 3rd November 1923 - copy enclosed - annexure No.4), I explained my views in a general way regarding the few points raised by him and proposed that a personal discussion would be the best means of solution and suggested 12th instant for a conference in Madras. I also suggested that, should there be any difficulty, it would be more satisfactory

if the contents and drafting of the agreement were left to an impartial agency and added that Mr. Gebbie might be brought down if necessary for the purpose. The Hon'ble Mr. Ramaswami Aiyar has replied to my confidential D.O. letter No. M.243 dated 3rd November 1923 (vide copy enclosed - annexure No.4.)

He has agreed to a personal discussion on the 12th instant and I am going to Madras. He is also in agreement that the drafting of the Agreement may be left to an impartial agency and has no objection to choose Mr. Gebbie as such adviser. He thinks that any agreement that Mr. Gebbie may prepare, with the aid of one of the legal drafting staff of the Government of India should be adopted or rejected as a whole.

As far as I can judge at present, I see no harm in acceding to this proposal provided that an agreement is arrived at beforehand on all the outstanding questions such as the rights over the ~~Makadatu~~, the position in regard to the Cauvery and its tributaries and all other matters, and clear understandings thereon are recorded. Also provided that before the impartial agency consisting of Mr. Gebbie and a legal officer of the Government of India, both Governments shall have each their own representatives, both legal and technical, to watch the drafting and see that all the settled points and understandings are correctly set down to the best interests and satisfaction of both sides.

If

103

5.

If the drafting of the agreement is to be accomplished in the above-said manner, I see no objection to adopt the procedure, nor any reason to apprehend or speculate that we have to be relegated to our original rights after all our best motives and labours spent during the last 13 years.

In these circumstances I shall deem it a great favour if you will ~~please~~ place the whole correspondence before the Government of India and ascertain whether they can make it convenient to depute Mr. Gebbie and a legal officer for the purpose of drafting the final agreement in accordance with the conditions I have stated above. I shall write definitely about Mr. Gebbie and the legal officer coming down, after my meeting Mr. Ramaswami Aiyar on the 12th instant in Madras, and getting his consent to the conditions I have set forth, viz., that a technical and a legal representative of each of the two Governments shall take part and see that the drafting is accomplished to the satisfaction of both interests.

Yours sincerely,

CR
8.11

The Hon'ble

Mr. W.P. Barton, C.S.I., C.I.E., I.C.S.,
Resident in Mysore.